
**UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
ELY DISTRICT**

**ENVIRONMENTAL ASSESSMENT
NV-040-02-073**

PROJECT NAME: White Pine County Land Sale – Duckcreek Flat

CASE FILE#: NVN-76859

LEGAL DESCRIPTION: T. 21 N., R. 64 E.,
Section 19, lots 3 and 4,
SE1/4SW1/4,S1/2SE1/4;
Section 20 S1/2SW1/4.
Mount Diablo Meridian, Nevada
Containing 279.20 acres more or less

CASETYPE: FLPMA Section 203 and 209 Sale

APPLICANT: Bureau Motion Action

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I. BACKGROUND INFORMATION

A. Introduction

Bureau of Land Management (BLM) is proposing to conduct a competitive sale of public land within White Pine County, Nevada. The disposal of public land within White Pine County would meet the goal of Nevada BLM to dispose of acreage to support and accommodate local economic development, commercial growth and community expansion. This would be consistent with the White Pine County Land Use Plan (May

1998). There is very limited potential for commercial development due to the lack of private land.

The Ely BLM Field Office prioritized the disposal of suitable BLM-administrated lands in White Pine County to aid economic development and commercial expansion through the Federal Land Transaction Facilitation Act of 2000, Public Law No. 106-248 conducted in accordance with Sections 203 and 209 of FLPMA (43 U.S.C. 1713 and 1719).

B. Need for Proposed Action

The proposed action is to sell public land within White Pine County, Nevada. The land would be offered through the competitive sales procedures. There is a need to provide public land for economic development and commercial expansion. The parcel proposed for disposal is surrounded on three sides by private land. (see map at end of this document) The east side adjacent to the subject parcel is public land. Responding to public requests, this disposal would support commercial growth and provide an opportunity for economic development.

C. Relationship to Land Use Planning

The proposed action would be in conformance with the decisions under the Realty Management category of the Egan Management Framework Plan (February, 1987), which states “Dispose of up to 39,555 acres of land in the long term in the resource area according to the following breakdown by management zone.” This parcel lies within Zone 3, which allows for the disposal of up to 24,858 acres of public land. At this time, 765.52 acres have been disposed of within Zone 3. Each nominated parcel is subject to individual NEPA review.

D. Relationship to Statutes, Regulations and Land Use Plans

The proposal to sell land meets the requirements of Section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA) (90 Stat. 2750, 43 U.S.C. 1713) and 43 CFR §2710. The subject land meets the following disposal criteria:

43 CFR §2710.0-3 (a)(2) Disposal of such tract shall serve important public objectives, including but not limited to, expansion of communities and economic development. Sales in these instances are consistent with Federal Regulations contained in 43 CFR §2710.0-6(c)(3)(iii).

The proposed action is consistent with the White Pine County Land Use Plan, “Recognizing that land is essential to local industry and residents, it shall be the policy of this County that the design and development of all public land disposals, including land adjustments and exchanges, be carried out to the benefit of the citizens of White Pine County.”, adopted by the Board of White Pine County Commissioners, Ely City Council, and White Pine County Regional Planning Commission in May 1998.

E. Issues

There were no issues identified during internal scoping.

II. PROPOSED ACTION AND ALTERNATIVES

A. Proposed Action

The proposed action is to sell 279.20 acres of public land within White Pine County, Nevada. The following public land would be affected:

T. 21 N., R. 64 E.,
Section 19, lots 3 and 4,
SE1/4SW1/4, S1/2SE1/4;
Section 20 S1/2SW1/4.
Mount Diablo Meridian, Nevada
containing 279.20 acres, more or less.

This 279.20 acre parcel identified for disposal would be sold at fair market value as determined by the appraisal. The government approved appraisal is \$50,000 and establishes the minimum bid at auction. The sale would be conducted, by sealed bid and oral auction.

Under this competitive sale procedure, including sealed bids and oral auction, the highest bidder would be declared at the time of the bid opening. If the land is not sold on the date of the first sale offering, the unsold parcel would be offered competitively on a continuing basis until the land is either sold or withdrawn from the sale. The parcel would be sold subject to the terms and conditions listed below and at no less than the appraised fair market value.

The subject land, if patented, would reserve to the United States:

All oil, gas, and geothermal resources.

The patent for the land, would be subject to the following:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States under the Act of August 30, 1890, U.S.C. 945.
2. Those rights for a 20-foot wide right-of-way for an access road right-of-way granted to Mr. Joel Twitchell, its successors or assignees, by right-of-way No. N-58165, pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761). Right-of-way N-58165 expires January 11, 2024.

3. Those rights for a 10 foot wide right-of-way for a buried telephone cable and appurtenances right-of-way granted to Nevada Bell, its successors or assignees, by right-of-way No. N-47878, pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1767). Right-of-way N-47878 expires on July 14, 2038.
4. Those rights for a 25 foot wide right-of-way for a 14.4/24.9 KV power line and appurtenances right-of-way granted to Mt. Wheeler Power Inc., its successors or assignees, by right-of-way No. N-76277, pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761). Right-of-way N-76277 expires October 31, 2032.
5. All land parcels are subject to reservations for roads, public utilities and flood control purposes, both existing and proposed, in accordance with the local governing entities' Transportation Plan.

B. No Action Alternative (No Sale Alternative)

Under this alternative, the parcel would remain in public ownership.

III. AFFECTED ENVIRONMENT

The subject land is located in Steptoe Valley in White Pine County, Nevada. It is approximately 34 miles northeast of Ely, Nevada. The proposed action is located adjacent to private lands and in close vicinity to Highway 50.

Wildlife

Although surrounded on three sides by private property, the area of the proposed action has occasional and incidental use from pronghorns and occasional mule deer and elk. The area also provides habitat for small mammals, reptiles and amphibians as well as migratory birds common to the Great Basin.

Vegetation

The predominant vegetation on the proposed land parcel is black greasewood, big sagebrush, rabbitbrush, Sandberg bluegrass, and bottlebrush squirreltail. There are no candidates, threatened and/or endangered plants in the proposed land sale area.

Grazing

The proposed action is located within Duckcreek Flat Grazing Allotment #00412. The Duckcreek Flat Allotment contains approximately 32,400 acres of public lands. Permitted use for this Duckcreek Flat Allotment is 1,347AUMs (cattle). Season of use for the Duckcreek Flat Allotment is 3/1 to 6/15 and 8/1 to 2/28.

Mineral Resources

A mineral inventory for the subject land concluded that there was a high potential for oil and gas and geothermal mineral occurrences and a low potential for all other minerals.

Locatable, salable, and leaseable minerals, other than oil and gas and geothermal, would be sold with surface rights.

Social and Economic Conditions

White Pine County includes a total area of 5,699,200 acres of which 5,296,180, or 93 percent, is public land managed by the Federal government. The proposed sale would have a minimal impact, but would add to the tax base of White Pine County.

Culture Resource

A Class III cultural inventory resulted in a negative report.

C. Other Resources Considered

Native American Religious Concerns

Meeting with regional American tribes were held to consult on this proposed action. There were no concerns expressed.

Visual Resources Management

The proposed sale would have inconsequential impact on visual resources, since the parcel is located adjacent to private land and is within 600 feet of a major highway. This area has been classified under the Visual Resource Inventory as a Class VI; therefore, major land modifications are possible.

Recreation

The proposed action is located in close proximity to Cherry Creek, Nevada. Travelers along Highway 50 for casual recreation could use the area.

Wilderness

The subject parcel is not within a Wilderness Study Area.

Wild Horse

The proposed action is not within a herd management area.

Wastes, Hazardous and Solid

No evidence was found to indicate that any hazardous substance was stored for one year or more or disposed of or released on the proposed parcel.

IV. ENVIRONMENTAL CONSEQUENCES

The following critical elements have been analyzed and are either not a part of the affected environment or would not be affected by the proposed action: 1) areas of critical environmental concern (ACECs); 2) environmental justice; 3) prime or unique farm lands; 4) floodplain; 5) migratory birds; 6) Native American religious concerns; 7) Special Status Species (Federally listed, proposed or candidate threatened or endangered species, and state sensitive species); 8) wastes, hazardous and solid; 9) water quality

(drinking/underground); 10) wetlands/riparian zones; 11) wild and scenic rivers; 12) wilderness; and 13) visual resources management.

A. Assumptions for Analysis

The adjacent landowner requested this parcel be offered for sale. The sale will be held under competitive procedures and sold to the highest qualified bidder. It is likely the land will be used for agriculture purposes; however, a proposed power plant in the vicinity could result in other uses, which could include subdivided lots for housing.

B. Proposed Action

The proposed action is an administrative action, (the sale of public land) that in and of itself would have no direct environmental impacts. This action would, however, cause this parcel to leave federal ownership and control. The impacts, if any, would occur due to the actions of the new landowner.

Invasive, non-native species

There are currently few noxious weed concerns in this location and in this vegetative type in Steptoe Valley. Transfer of ownership to the private sector and use of the parcel as a livestock pasture would not result in increased risk of weed invasion above the no action alternative. Reasonable developed use for this parcel is the same as its current use.

Nevada law requires landowners to take action to control noxious weeds, and some mitigation would likely occur.

Air Quality

There is a potential for the levels of dust to increase as a result of the proposed action. If construction would occur, dust levels would increase during any period of construction. Wind blown dust would originate from freshly exposed surfaces. Once any construction is completed, the dust would be abated.

Wildlife

There will be a loss of forage for the big game animals that utilize the area. Small mammals, reptiles and amphibians that inhabit the area will be displaced or killed once the area is cleared for whatever purpose. Migratory birds that nest in the area will be displaced to adjacent habitat to nest. There will be no impacts to nesting migratory birds because the land sale will take place outside of the nesting period.

Soils and Vegetation

Soil disturbance needed for development of future facilities would probably result of a very minimal amount of native vegetation removed. All plant species on the proposed sale parcel are common regionally.

Grazing

The Duckcreek Flat Allotment is approximately 32,400 acres of public land and has 1,347 AUMs of permitted use. The proposed action would not reduce the amount of AUMs on the Duckcreek Flat Allotment. There would be a reduction of 279.20 acres in allotment size with a loss of available forage.

Social and Economic Conditions

The disposal of 279.2 acres of public land, and its transfer into private ownership would have an inconsequential effect on Total Assessed Valuation for White Pine County. It does create an incremental opportunity for development and a small measure of economic growth.

Cultural Resource

The proposed sale of the described land will not result in impact to cultural resources in the Ely Field Office area.

C. No Action Alternative (No Sale Alternative)

Under the No Action (No Sale) Alternative impacts as described above for the proposed action would not occur.

Social and Economic Conditions

No change in Payments-in-Lieu of Taxes would occur. There would be no positive addition, however small, to Total Assessed Valuation for White Pine County. The County would lose an opportunity to add to its economic base, and a potential business and employment opportunity would be foregone.

D. Cumulative Impacts

According to the 1994 BLM *Guidelines for Assessing and Documenting Cumulative Impacts*, the amount of analysis that is necessary can be greatly reduced by limiting cumulative analysis only to those issues and resource values identified during scoping that are of major importance.

Past Actions

In the past eight years, the Ely Field Office has had nine successful land sales under the Federal Land Policy and Management Act of 1976 that went into patent. The total acreage for the nine land sales totals 280.66 acres. Other types of patents issued have been under the Recreation and Public Purpose Act. There have been six Recreation and Public Purpose patents issued in the last eight years within the Ely Field Office. The total acreage is 227.50 for these six patents.

Present Actions

Approximately two-thirds of Nevada is under federal ownership. The Ely BLM District manages approximately 11.4 million acres and is the largest BLM holder of public land

within the lower 48 states. The BLM in Nevada is committed to dispose of suitable lands for economic development and community expansion to assist rural towns and communities in their quest for economic viability.

Current land management is focused on disposing land that is difficult to manage and is not needed to be kept in public ownership. Disposal of such lands to the private sector will allow for expansion of economic opportunities. Land identified for disposal having resource conflicts would not be considered. Under the land sale authorization pursuant to the Federal Land Transaction Facilitation Act (FLTA) of July 25, 2000, (P.L. 106-248); the first five percent of the revenue from the sales in Nevada is sent to the State Treasurer. The Nevada State Constitution provides that this money will be placed in the Permanent School Fund. The principal of this fund is never touched, and interest derived from it is used for support of public education in Nevada, through the Distributive School Fund. Not less than eighty percent of the balance of land sale receipts shall be used to acquire inholdings and adjacent to federally designated areas that exceptional resources within Nevada. These proceeds would be deposited into a Federal Land Disposal Account and used to acquire those lands within the State of Nevada. The money would be used to purchase lands for the BLM, National Park Service, Forest Service, or Fish and Wildlife Service.

Reasonably Foreseeable Future Actions

The Federal Land Transaction Facilitation Act of July 25, 2000, (P.L. 106-248) shall terminate ten years after the date of enactment of this Act. On the date of termination of this Act, the Federal Land Disposal Account shall be terminated and any remaining balance in the account shall become available for appropriation under section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 4601-6) which operates to automatically extend the appropriations authorization found in Section 206 or repeal (FLTA).

There are other public lands that have been proposed for disposal under the BLM Land Sale. Various proponents have sent a request to acquire parcels throughout the Ely Field Office. These requests will be reviewed and determined if the lands are suitable for disposal and not best kept in federal ownership.

A resource Management Plan for the Ely Field Office is scheduled to be completed in 2005, which will address public needs for land acquisition and Bureau needs for disposal. Although several thousand acres of land suitable for disposal, subject to NEPA review, parcels within the designated disposal areas will be based on need.

Presently, our staff members and congressional staff members are working on a Land Bill specific to White Pine County. The Land Bill will likely include a Congressional directive to make available land for economic development and community expansion, subject to the National Environmental Protection Act review.

Impacts

This sale and reasonably foreseeable future sales will create an opportunity for economic expansion in White Pine County.

Cumulatively, up to 1,000 acres per year of public land within the Ely District may be disposed of over the next eight years, based on the recommended acres of land disposal within the proposed legislation.

The cumulative amount of land that would be transferred out of public ownership would not impair the Ely BLM's mission of multiple use management.

V. PROPOSED MITIGATION MEASURES

As a result of a successful sale, this land would enter into private ownership. White Pine County zoning and building ordinances would be utilized to regulate development of these parcels. The State of Nevada would enforce any action required for the control of noxious weeds. No additional mitigation measures are proposed.

VI. Monitoring

No monitoring is suggested based on impact analysis.

VII. CONSULTATION AND COORDINATION

A. List of Preparers – Bureau of Land Management Ely Field Office

Jeff Brower, Hydrologist
Shane DeForest, Weed Specialist
Dan Netcher, Geologist and Hazardous Materials Coordinator
John Longinetti, Range Management Specialist
Paul Podborny, Lead Natural Resource Specialist
Jake Rajala, Environmental Coordinator
Mark Henderson, Archaeologist
Steve Leslie, Outdoor Recreation Planner
Kevin Finn, Realty Specialist
Elvis Wall, Tribal Coordinator
William Wilson, Geologist
Michael Perkins, Wildlife & T&E

B. Agencies and Persons Consulted

Tri-County Commissioners
Public Land Users Advisory Committees
White Pine County, Planning and Zoning
Duckwater Shoshone

Ely Shoshone
Nevada Division of Wildlife
Dave Eldridge, Grazing Permittee

C. Public Scoping

The sale was discussed at several Tri-County (White Pine, Lincoln, and Nye Counties) Commissioners' meeting from February 2002 through March 2003. These meetings conducted by the County Commissioners and attended by BLM personnel in various towns throughout Lincoln, Nye, and White Pine Counties addressed various issues affecting the public land within White Pine County. Attendance ranged from approximately seven to ten people at each meeting. The White Pine County's Public Land Users Advisory Committee meeting on January 7, 2003, a BLM personnel attended the meeting to inform and provide information on the presently proposed Baca Land Sales within Ely BLM District. Nevada Division of Wildlife (NDOW) has received a map of this proposal as well as has been briefed on this project on March 6, 2003, and on April 4, 2003. Also, there have been discussions with Native Americans at the monthly coordination meetings.

This Environmental Assessment, with attached map, will be posted on the Ely Internet Web Page to allow for a public comment period of thirty days prior to the consideration of a finding of no significant impact (FONSI).

VIII. REFERENCE MATERIAL (On file at the Ely Field Office)

- A Egan Resource Management Plan, approved February 1987
- B. White Pine County Land Use Plan, formally adopted May 1998



Duck Creek Flat Sale

